

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CYWEE GROUP LTD.,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD.
AND
SAMSUNG ELECTRONICS AMERICA,
INC.

Defendants.

CASE NO. 2:17-cv-00140-RWS-RSP

JURY TRIAL DEMANDED

PLAINTIFF'S CROSS-MOTION FOR ISSUANCE OF LETTER OF REQUEST

Plaintiff CyWee Group Ltd. (“CyWee”) hereby moves, pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, March 18, 1970, 23 U.S.T. 2555, T.I.A.S. No. 7444 and 28 U.S.C. § 1781 for the issuance of a Request for International Judicial Assistance directed to the Appropriate Judicial Authorities of the Netherlands, for the purpose of obtaining documents relevant to this litigation from Xsens Technologies B.V. (“Xsens”).

This motion specifically relates to a similar motion filed by Defendants, Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”). Dkt. 78. CyWee submits that the requested documents and testimony are in the interest of justice, that Xsens is not subject to service of subpoenas within the United States, and that Xsens cannot be directly compelled to produce documents or make witnesses available in the United States. The discovery sought is relevant to the validity of the patents-in-suit and to Samsung’s communications with Xsens.

For the foregoing reasons, CyWee respectfully requests that this Court grant this

motion and issue the proposed Requests for International Judicial Assistance attached hereto as Exhibit A, bearing an original signature by the Court and original seal affixed by the clerk of the Court. CyWee makes these specific requests to comply with the requirements for service in the Netherlands.

Date: April 16, 2018

Respectfully submitted,

/s/ Ari Rafilson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on April 16, 2018. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a) (3) (A).

/s/ Ari B. Rafilson

Ari B. Rafilson